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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/480,589	01/10/2000	Kevin Michael Ruppelt	9D-EC-19348-Ruppelt-et-al 4505		
7590 05/03/2005			EXAM	INER	
John S Beulick			VAN DOREN, BETH		
Armstrong Teas One Metropolita		ART UNIT	PAPER NUMBER		
Suite 2600	(0.100	3623			
St Louis, MO	63102		DATE MAILED: 05/03/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/480,589	RUPPELT ET AL.		
Examiner	Art Unit		
Beth Van Doren	3623		

		Delii	van bolen		3023	
T	he MAILING DATE of this communication appe	ars on	the cover sh	eet with the c	orrespondence add	ress
THE REPLY	FILED 25 April 2005 FAILS TO PLACE THIS APP	LICATI	ON IN COND	ITION FOR AL	LOWANCE.	
1. ⊠ The rep this app places a Requ time pe	oly was filed after a final rejection, but prior to or on polication, applicant must timely file one of the follow the application in condition for allowance; (2) a No lest for Continued Examination (RCE) in compliant priods:	the sa wing repotice of tice with	me day as fili plies: (1) an a Appeal (with a 37 CFR 1.114	ng a Notice of mendment, aff appeal fee) in o . The reply mu	Appeal. To avoid abaidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
	period for reply expiresmonths from the mailing					
no e Exa TW	e period for reply expires on: (1) the mailing date of this A event, however, will the statutory period for reply expire la aminer Note: If box 1 is checked, check either box (a) or O MONTHS OF THE FINAL REJECTION. See MPEP 7	ater thar (b). ONL 06.07(f).	n SIX MONTHS .Y CHECK BOX	from the mailing (b) WHEN THE	g date of the final rejecti FIRST REPLY WAS F	on. ILED WITHIN
nave been filed under 37 CFR set forth in (b)	time may be obtained under 37 CFR 1.136(a). The date d is the date for purposes of determining the period of ex 1.17(a) is calculated from: (1) the expiration date of the sabove, if checked. Any reply received by the Office later by earned patent term adjustment. See 37 CFR 1.704(b) APPEAL	tension shortene r than th	and the correspect statutory peri	onding amount of one of the original original original original original original original original original o	of the fee. The approprinally set in the final Offi	iate extension fee ce action: or (2) as
filing th	tice of Appeal was filed on A brief in compe Notice of Appeal (37 CFR 41.37(a)), or any exte e of Appeal has been filed, any reply must be filed TS	nsion th	nereof (37 CF	R 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
3. 🛛 The pr	oposed amendment(s) filed after a final rejection,	but pric	or to the date of	of filing a brief,	will not be entered b	ecause
(a) <u>⊠</u> ⊺	They raise new issues that would require further co	nsidera	ition and/or se	arch (see NO	TE below);	
	They raise the issue of new matter (see NOTE belo					
a	They are not deemed to place the application in bein appeal; and/or					the issues for
(d) ∐ ī	They present additional claims without canceling a	corresp	onding numb	er of finally rej	ected claims.	
	NOTE: See Continuation Sheet. (See 37 CFR 1.1					•
4. 🔲 The an	nendments are not in compliance with 37 CFR 1.1.	21. See	attached No	tice of Non-Co	mpliant Amendment	(PTOL-324).
5. 🔲 Applica	ant's reply has overcome the following rejection(s)	:	_•			
6. Newly non-alk	proposed or amended claim(s) would be allowable claim(s).	llowable	e if submitted	in a separate,	timely filed amendme	ent canceling the
how the	poses of appeal, the proposed amendment(s): a) a new or amended claims would be rejected is pro-	⊠ will vided b	not be entere elow or apper	d, or b) 🗌 wil ided.	l be entered and an e	explanation of
	itus of the claim(s) is (or will be) as follows:					
	s) objected to:		•			
	s) rejected: <u>1-11, 13-38, 40-75,79-81</u> . s) withdrawn from consideration:					
	OR OTHER EVIDENCE					
3.  The affi becaus	davit or other evidence filed after a final action, but a applicant failed to provide a showing of good and tearlier presented. See 37 CFR 1.116(e).	t before d suffic	e or on the da ient reasons v	te of filing a No why the affidav	otice of Appeal will <u>no</u> it or other evidence is	t be entered s necessary and
9.  The affi entered	davit or other evidence filed after the date of filing I because the affidavit or other evidence failed to g a good and sufficient reasons why it is necessary	vercon	ne all reiectior	s under appea	al and/or appellant fai	Is to provide a
	fidavit or other evidence is entered. An explanatio					
REQUEST FO	OR RECONSIDERATION/OTHER			المارية المارية	ing to bolow of allact	icu.
	quest for reconsideration has been considered bu	t does	NOT place the	e application ir	condition for allowar	nce because:
 12. ☐ Note t	he attached Information Disclosure Statement(s).	(PTO/S	B/08 or PTO-	1449) Paner N	lo(s)	
I3. ☐ Other:		(	5,00 01 1 10	7 Toy: apor 10	A	4
				CLIDED!	TARIO R. HAFIZ VISORY PATENT EXA	MINER
				SUPERI		

TECHNOLOGY CENTER 3600



Continuation of 3. NOTE: The amendments to the independent claims add a limitations which has not yet been considered, thereby requiring further search and/or consideration.